

ALSTON & BIRD

90 Park Avenue
New York, NY 10016
212-210-9400 | Fax: 212-210-9444

Jenny Kramer

Direct Dial: +1 212 210 9420

Email: jenny.kramer@alston.com

December 15, 2022

VIA ECF

The Honorable Edward R. Korman
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Patel v. Koninklijke Philips N.V., et al.*, No. 21-cv-4606-ERK-MMH

Dear Judge Korman,

We represent Defendant John Frank and we write with the consent of all parties, pursuant to Rule IV(d)(ii) of the Court's Individual Motion Practices, to inform the Court that the parties have agreed to a revised briefing schedule for Defendants' motions to dismiss Plaintiffs' Second Amended Class Action Complaint (ECF No. 39, the "Complaint"). The purpose of the revision is to provide Mr. Frank with the full 60-day period to respond afforded to him under Rule 4 of the Federal Rules of Civil Procedure in light of his decision to waive service of the Complaint (*see* ECF No. 43), as well as to keep the briefing deadlines consistent across all Defendants.

The parties have agreed that all Defendants shall serve their motions to dismiss the Complaint by February 6, 2023. Plaintiffs' opposition papers shall be due by March 23, 2023, and Defendants' reply papers shall be due by April 22, 2023.

Sincerely,

/s/ Jenny Kramer

Jenny Kramer